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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ALDEN GAJO,

        Plaintiff,

  v.

CHICAGO BRAND, et al.,

        Defendants.

Case No. 17-cv-00380-EMC

ORDER DISMISSING CASE AND ENTERING FINAL JUDGMENT

On June 8, 2017, the Court granted Defendants' motion to dismiss Plaintiffs' claims. *See* Docket No. 30. The Court ordered Plaintiff to file an amended complaint within 30 days if he wished to pursue his claims. *Id.* Plaintiff did not file an amended complaint before the July 10, 2017 deadline, and has not filed one to date. Accordingly, in their case management statement, Defendants request the case be dismissed with prejudice. *See* Docket No. 32 at 2. Defendants' request is not a properly noticed motion pursuant to Federal Rule of Procedure 41(c).

Nevertheless, the Court may dismiss the action on its own motion. *See Link v. Wabash R. Co.*, 370 U.S. 626, 629 (1962) ("The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted."); *id.* at 630 ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.").

The Court finds that Plaintiff has failed to file an amended complaint as ordered by the Court, and has not sought leave of Court for additional time to do so. Accordingly, the Court hereby dismisses the case with prejudice and vacates the Case Management Conference calendared for August 24, 2017 at 9:30 a.m.

1   The Clerk of the Court is hereby ordered to enter final judgment for Defendants in

2 accordance with this order and to close the case.

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4   **IT IS SO ORDERED**.

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6 Dated: August 22, 2017

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   EDWARD M. CHEN

8   United States District Judge

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